

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No.: 2:18-04527 JFW (ADS) Date: September 18, 2018

Title: *Susan S.E. Vonsclobohm v. County of Los Angeles, et al.*

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Present: The Honorable Autumn D. Spaeth, United States Magistrate Judge

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Kristee Hopkins

Deputy Clerk

None Reported

Court Reporter / Recorder

Attorney(s) Present for Plaintiff(s):  
None Present

Attorney(s) Present for Defendant(s):  
None Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE  
PLAINTIFF'S FAILURE TO RESPOND TO THE COURT'S  
ORDER REQUIRING CLARIFICATION**

Plaintiff filed this case on May 24, 2018. At least three defendants, at different times, filed motions to dismiss. Plaintiff failed to oppose two of these motions. Instead, on or about August 9, 2018, Plaintiff filed another civil rights complaint ("Subsequent Complaint") without seeking leave of court to do so. [Dkt. No. 22].

On August 16, 2018, the Court issued an Order Requiring Clarification ("Order Requiring Clarification") directing Plaintiff to explain whether she wished to file a proposed amended complaint or proceed with the original Complaint. The Order also notified Plaintiff that the Subsequent Complaint contained the following errors: (1) leave of court is required for filing; (2) it included more than ten Does or fictitiously named parties in violation of Local Rule 19-1; and (3) it lacked Plaintiff's signature. As a result of these deficiencies, and because it was unclear whether Plaintiff intended for the Subsequent Complaint to replace the original Complaint or to supplement the original Complaint, the Court ordered the Subsequent Complaint to be stricken from the record. Plaintiff was ordered to respond by no later than August 30, 2018. [Dkt. No. 24].

Plaintiff was advised that if she elects to file a First Amended Complaint by no later than August 30, 2018, she need not otherwise respond to the Order Requiring Clarification. [*Id.*, p. 3]. The Court expressly warned Plaintiff that "**failure to timely**

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**file a response to this Order may result in a recommendation to the District Judge that this action be dismissed without prejudice for failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).**” [*Id.* (emphasis in original)].

To date, Plaintiff has failed to respond. Instead of complying with the Court’s Order Requiring Clarification, on August 23, 2018, Plaintiff filed a Proof of Service for defendant Los Angeles County Superior Court Judge Natalie Stone, who was named in both the original Complaint and the stricken Subsequent Complaint. [Dkt. No. 25]. Plaintiff also filed a Proof of Service for defendants who were named in the stricken Subsequent Complaint, but not in the original Complaint. [Dkt. No. 26]. Thus, without a First Amended Complaint on file or a written response to the Court’s Order Requiring Clarification, the Court and the parties are faced with a confusing record—unable to determine Plaintiff’s intentions.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE by no later than October 2, 2018**, why this action should not be dismissed for failure to prosecute and obey the Court’s order. Plaintiff may respond to this Order to Show Cause by filing one of the following: (1) a First Amended Complaint naming all defendants and all claims, along with an explanation of why an amendment to the original Complaint is needed; or (2) a written response stating the desire to proceed with the original Complaint.

**Plaintiff is expressly warned that failure to timely file one of the two responses described in the preceding paragraph may result in a recommendation to the District Judge that this action be dismissed without prejudice for failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).**

**IT IS SO ORDERED.**

Initials of Clerk kh